

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBERT ANDREW WERMUTH,)
#189991,)
)
Plaintiff,) Case No. 2:05cv644
)
SHANNON CARROL YOUNGBLOOD,)
et al.,)
)
Defendants.)

AFFIDAVIT OF RODRICK D. CALHOUN

STATE OF ALABAMA

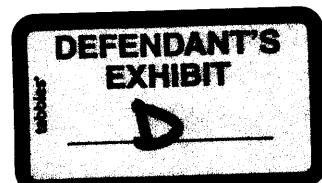
COUNTY OF MONTGOMERY)

Before me, a Notary Public in and for said State and County, personally appeared **Rodrick D. Calhoun** and, after first being duly sworn by me, did depose and state as follows:

My name is Rodrick D. Calhoun and I am over nineteen (19) years of age. I am currently employed as a Police Officer with the Montgomery Police Department, and assigned to Third Shift Patrol.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., a call went out over the radio involving the pursuit of a subject (later identified as Robert Andrew Wermuth) who had attempted to run over Officer J.C. Welch. My partner, C. S. Barrier (who is no longer employed with the Montgomery Police Department), and I heard the call come over the radio and we followed the pursuit by radio as it came into our district.

During the pursuit, Wermuth made a sudden left hand turn and Sergeant Shannon Youngblood, who was the lead police unit directly behind Wermuth's vehicle, was not able to stop and collided into the rear of Wermuth's vehicle. Sergeant Youngblood's vehicle was disabled by the collision, but Wermuth continued to flee and other units continued in the pursuit. My partner and I



responded to Sergeant Youngblood's location and worked the accident. I prepared the accident report which is attached hereto as Exhibit A.

Neither Sergeant Youngblood nor I were present at the final destination where the pursuit ended and neither of us were involved in taking Wermuth into custody.

Further Affiant saith not.


Rodrick D. Calhoun

SWORN to and SUBSCRIBED before me this the 24 day of August, 2005.


Nancy K. Engell
Notary Public

My commission expires 2-8-08

Shaded Areas To Be Used By Data Processing Only

Policy Dept. #0733

DATA PROCESSED

Local Case No.

07547

LOCATION AND TIME												HIGHWAY CLASSIFICATION																								
			Date 9/22/2003	Time 04:11 AM	Day of Week M O W TH	County 03	City Montgomery	Rural				I—Interstate			S—State			M—Municipal			O—Other															
			Month 9	Day 22	Year 2003	F S S								C—Federal	F—Federal	C—County	F—Proprietary	C—Proprietary	F—Other	C—Other	F—Other															
			At Intersection of or Between (Node 1)						And (Node 2)						NONCOLLISION EVENT 01 - Overturned 02 - Fire/Explosion 03 - Immersion 04 - Gas Inhalation COLLISION EVENT 05 - Spill 06 - Road/Bridge Collapsed 07 - Jackknifed 15 - Pedestrians 20 - Non-Parked Vehicle 20 - Non-Parked Vehicle 20 - Parked Vehicle 35 - Train 45 - Pedal Cyclist 45 - Animal 51 - Guardrail 52 - Guard Rail 53 - Utility Pole 54 - Non-breakaway Light 55 - Tree 56 - Fire Hydrant 57 - Pier or Column 59 - Non-breakaway Sign 61 - Mailboxes 62 - Gas Line 83 - Barricade 64 - Bridge Rail 65 - Culvert Headwall 66 - Curbstone 67 - Guard Rail 68 - Median Barrier 69 - Sidestop 71 - Building 72 - Fence 73 - Boulder 74 - Ditch 75 - Overpass/Underpass 76 - Other Fixed Object 77 - Breakaway Sign 78 - Manhole 79 - Telephone Booth 80 - Guy Wire 81 - Breakaway Light 82 - Guard Rail 84 - Bridge Abutment 87 - Animal with Rider 90 - Foreign Material in Road 93 - Pothole 97 - None 98 - Other																					
						On Street, Road or Highway Hill St.						Dix St.															000.00			Miles From 0 or 2 (Circle One)			000.00			Miles From 0 or 2 (Circle One)
Street or Road Code 5154	Node 2 2135	Node Code				Feet 000.00	Miles 0 or 2 (Circle One)	Node 1	From 0 or 2 (Circle One)	Node 2	From 0 or 2 (Circle One)	Node 1	From 0 or 2 (Circle One)	Node 2	From 0 or 2 (Circle One)	Node 1	From 0 or 2 (Circle One)	Node 2	From 0 or 2 (Circle One)																	
			Intersection Related		Mile Post	Control Access Hwy	1 - Main Rd	3 - Interchange	5 - Exit Ramp	Prime Contr Circums.	Prime Contr Unit No	Intersection Related		Mile Post	Control Access Hwy	1 - Main Rd	3 - Interchange	5 - Exit Ramp	Prime Contr Circums.	Prime Contr Unit No																
			1 - Node 1	2 - Node 2		2 - Frontage Rd	4 - Entrance Ramp	6 - N/A	27	1	1 - Node 1	2 - Node 2		2 - Frontage Rd	4 - Entrance Ramp	6 - N/A	27	1																		
			First Harmful Event 20	Event Location 1	Distance to Fixed Object 3 FT.	No. of Vehicles 2	No. Pedestrians 0	No. Injured 0	No. Fatalities 0	Unit 1 Type	Unit 2 Type	First Harmful Event 20		Event Location 1	Distance to Fixed Object 3 FT.	No. of Vehicles 2	No. Pedestrians 0	No. Injured 0	No. Fatalities 0	Unit 1 Type	Unit 2 Type															
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			D 9/13/1982	Race B	Sex M	DL State N/A	Driver License No. None	DL Class D	DL Status C	List Restrictions Not Complied With		COL Status N	Driver Full Name Robert Andrew Wermuth		D 9/13/1982	Race B	Sex M	DL State N/A	Driver License No. None	DL Class D	DL Status C	List Restrictions Not Complied With		COL Status N	Driver Full Name Robert Andrew Wermuth		D 9/13/1982	Race B	Sex M	DL State N/A	Driver License No. None	DL Class D	DL Status C	List Restrictions Not Complied With		COL Status N
			B Month Day Year		Place of Employment UNEMPLOYED		Liability Insurance Co. NONE		Social Security No. 424-980085		Place of Employment UNEMPLOYED		Liability Insurance Co. NONE		Social Security No. 424-980085		Place of Employment UNEMPLOYED		Liability Insurance Co. NONE		Social Security No. 424-980085															
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			Veh Year 1989	Make I30	Model GTE	Body 2A	V.I.N. 1J4FT58L1KL454041	Street or R.F.D. 948 Garland Dr.		City Montgomery		State AL ZIP 36108		License Tag Number 3A8297X		State AL ZIP 36108		License Tag Number 3A8297X		State AL ZIP 36108																
			Owner's Name Marthal L. Humphrey		Contributing Defect		Circle areas Damaged On Diagram		Contributing Defect		Circle areas Damaged On Diagram		Contributing Defect		Circle areas Damaged On Diagram																					
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			Veh Year 01	Make Ford	Model CV	Body 40	V.I.N. 2FAFP071W11X137605	Street or R.F.D. 934 N. Ripley St.		City Montgomery		State AL ZIP 36108		License Tag Number 360237 MU		State AL ZIP 36108																				
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SEATING	<table border="1"> <tr><td>1</td><td>12</td><td>13</td><td>14</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>11</td></tr> <tr><td>7</td><td>8</td><td>9</td><td></td></tr> </table>				1	12	13	14	4	5	6	11	7	8	9		<table border="1"> <tr><td>2</td><td>24</td><td>25</td><td>26</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>11</td></tr> <tr><td>7</td><td>8</td><td>9</td><td></td></tr> </table>				2	24	25	26	4	5	6	11	7	8	9		Other Involved Unit Codes Not Applicable		Other Involved Unit Codes Not Applicable																																					
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Unit 1					Unit 2					Other Involved Safety Equipment			Other Involved Safety Equipment																																																											
VICTIMS	Name _____ Address _____										Unit No	Seat Pos	Injury Type	Age	Sex	Ejection	First Aid By																																																							
	Taken To _____ Taken By _____																																																																							
N/A	Name _____ Address _____																																																																							
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CODES	Injury Type K - Killed A - Visible or Carried from Scene B - Bruise/Abrasion/Swelling C - Not Visible—Has Pain/Faint				Ejected N - Not Trapped F - Fully Unknown P - Partially A - Not Applicable				A - Ambulance Attended D - Doctor				First Aid By M - Paramedic D - Other P - Police U - Unknown N - None																																																											
NARRATIVE AND DIAGRAM	<p>Diagram not to scale</p>																																																																							
	Officer's Opinion of What Happened: Vehicle 1 was attempting to flee from vehicle 2 at which time vehicle 1 made a sudden left hand turn causing vehicle 2 to collide into the rear of vehicle 1. Vehicle 1 then continued south bound on Hill St.																																																																							
ROADWAY ENVIRONMENT	For Each Roadway Environment Field, Circle One Entry for Each Involved Unit: <table border="1"> <tr> <td>1</td> <td>Contributing Road Defects</td> <td>Surface Construction</td> <td>Condition</td> <td>Accident In Or Related To Road Construction Zone?</td> <td>Material In Roadway (Contributing)</td> <td>Material Source</td> <td>Character</td> </tr> <tr> <td>1</td> <td>④ None</td> <td>① Asphalt</td> <td>② Dry</td> <td>① None</td> <td>5 - Gravel</td> <td>① Not Applicable</td> <td>① Straight—Level</td> </tr> <tr> <td>2</td> <td>1 - Shoulders Low</td> <td>2 - Concrete</td> <td>2 - Wet</td> <td>2 - Rocks</td> <td>6 - Oil/Petrol</td> <td>2 - Natural Environment</td> <td>2 - Straight—Down Grade</td> </tr> <tr> <td>3</td> <td>2 - Shoulders High</td> <td>3 - Brick</td> <td>3 - Icy</td> <td>3 - Trees/Limbs</td> <td>8 - Other</td> <td>3 - Dropped From Vehicle</td> <td>7 - Curve—Up Grade</td> </tr> <tr> <td>4</td> <td>3 - Holes, Bumps, Etc.</td> <td>4 - Unpaved</td> <td>4 - Snowy/Slushy</td> <td>Yes</td> <td>4 - Dirt</td> <td>4 - Already in Road, But Fell From Vehicle</td> <td>8 - Curve—Hillcrest</td> </tr> <tr> <td>5</td> <td>4 - Other</td> <td>5 - Muddy</td> <td></td> <td>No</td> <td></td> <td>5 - Straight—Up Grade</td> <td></td> </tr> <tr> <td>6</td> <td>5 - Other</td> <td>6 - Other</td> <td></td> <td>No</td> <td></td> <td>6 - Curve—Level</td> <td></td> </tr> </table>																1	Contributing Road Defects	Surface Construction	Condition	Accident In Or Related To Road Construction Zone?	Material In Roadway (Contributing)	Material Source	Character	1	④ None	① Asphalt	② Dry	① None	5 - Gravel	① Not Applicable	① Straight—Level	2	1 - Shoulders Low	2 - Concrete	2 - Wet	2 - Rocks	6 - Oil/Petrol	2 - Natural Environment	2 - Straight—Down Grade	3	2 - Shoulders High	3 - Brick	3 - Icy	3 - Trees/Limbs	8 - Other	3 - Dropped From Vehicle	7 - Curve—Up Grade	4	3 - Holes, Bumps, Etc.	4 - Unpaved	4 - Snowy/Slushy	Yes	4 - Dirt	4 - Already in Road, But Fell From Vehicle	8 - Curve—Hillcrest	5	4 - Other	5 - Muddy		No		5 - Straight—Up Grade		6	5 - Other	6 - Other		No		6 - Curve—Level	
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Vision Obscured: ⑦ ⑧ Not Obscured 10 10 - Blinded by Sunlight 1 1 - Police Officer 11 11 - Flagger 1 1 - Buildings 11 11 - Fire/Smoke 2 2 - R.R. Crossing Gates 12 12 - No Passing Zone 2 2 - Signboard 12 12 - Dust 3 3 - R.R. Flashing Lights 97 97 - None 3 3 - Trees, Crops, Bushes 13 13 - Blinded by Headlights 4 4 - R.R. Cross Bucks/Pave. Mark 98 98 - Other 4 4 - Blowing Snow/Sand 14 14 - Embankment 5 5 - Pedestrian Control 5 5 - Hillcrest 15 15 - Rain on Windshield 6 6 - Traffic Signal 6 6 - Curve in Road 16 16 - Snow on Windshield 7 7 - Flashing Beacon 7 7 - Fog 88 88 - Other 8 8 - Step Sign 8 8 - Parked Vehicle 99 99 - Unknown 9 9 - Yield Sign 9 9 - Moving Vehicle(s) 10 10 - Lane Control Device																																																																								
INVESTIGATION	Traffic Control: ⑥ ⑦ Traffic Signal ⑧ Yes Yes Functioning No No N/A N/A DOT Railroad Crossing No.																Opposing Lanes Separated By:		Trafficway Lanes																																																					
	⑨ ⑩ None 1 1 - Paved Surface 2 2 - Unpaved Surface 3 3 - Broken Painted Line 4 4 - Solid Painted Line 5 5 - Concrete Barrier 6 6 - Metal Guard Rail 7 7 - Fence 98 98 - Other Barrier																1 - One Lane 2 - Two Lanes 3 - Three Lanes 4 - Four Lanes 5 - Five Lanes 6 - Six Lanes or More																																																							
Property Damage Description: Description: <i>N/A</i> Owner: <i>N/A</i> Address: <i>N/A</i>																One-Way Street Yes Yes																																																								
Time Police Notified AM Time Police Arrived AM Time EMS Arrived AM Name of Photographer 1 - Daylight 4 - Darkness—Road Not Lit ① Clear 5 - Sleet/Hail 1 - Open Country 5 - School 2 - Dawn 5 - Darkness—Road Lit 2 - Cloudy 6 - Crosswind ② Residential 6 - Playground 3 - Dusk 6 - Night 3 - Rain 7 - Fog 3 - Shop or Business 8 - Other 4 - Snow 8 - Other 4 - Mfg. or Industrial																Telephone																																																								
Witness Full Name _____ Address _____ Witness Full Name _____ Address _____																Telephone																																																								
Name of Investigating Officer: <i>R.D. Calton</i> Name of Other Investigating Officer(s) at Scene																Officer ID: <i>1294</i>	Agency ORI: <i>0030100</i>	Supervisor Review																																																						
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The data on this report reflects my best knowledge, opinion and belief covering the accident, but no warrant is made as to the factual accuracy thereof.

Signature of Investigating Officer *R.D. Calton #1294*

Date *9/30/03*

CODES

SAFETY EQUIPMENT

- U1 - None Installed
- 95 - Not Applicable
- 99 - Unknown (Any Type)
- Lap Belt Only
- 11 - Fastened
- 12 - Not Fastened
- Lap/Shoulder Harness
- 21 - Lap Only Used
- 22 - Neither Used
- 23 - Shoulder Only Used
- 24 - Both Used
- Motorcycle Helmet
- 31 - None Used
- 32 - Used
- Air Bags
- 41 - Deployed, Belts Used
- 42 - Not Deployed, Belts Used
- 43 - Deployed, Belts Not Used
- 44 - Not Deployed, Belts Not Used
- Child Restraint
- 61 - Child Restraint Used
- 62 - Child Restraint Not Used
- 63 - None Used
- Pedal Cycle/Pedestrian
- 91 - Contrasting Clothing
- 92 - Non-contrasting Clothing